



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

<b>AMENDMENT N<sup>o</sup> 0901</b>	
Making	By <u>Shelby</u>
year of	To: _____
Referr	<u>H.R. 3401</u>
	<u>25</u>
	Page(s)
AMEN	GPO: 2018 33-682 (mac)
to be proposed by _____	

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 That the following sums are appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, for the
- 5 fiscal year ending September 30, 2019, and for other pur-
- 6 poses, namely:

- 7 

TITLE I
- 8 

DEPARTMENT OF JUSTICE
- 9 

GENERAL ADMINISTRATION
- 10 

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
- 11 For an additional amount for "Executive Office for
- 12 Immigration Review", \$65,000,000, of which \$45,000,000

1 shall be for the hiring of 30 additional Immigration Judge  
2 Teams, of which \$10,000,000 shall be used for the pur-  
3 chase or lease of immigration judge courtroom space and  
4 equipment, and of which \$10,000,000 shall be used only  
5 for services and activities provided by the Legal Orienta-  
6 tion Program: *Provided*, That Immigration Judge Teams  
7 shall include appropriate attorneys, law clerks, paralegals,  
8 court administrators, and other support staff: *Provided*  
9 *further*, That such amount is designated by the Congress  
10 as being for an emergency requirement pursuant to sec-  
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
12 gency Deficit Control Act of 1985.

13 UNITED STATES MARSHALS SERVICE

14 FEDERAL PRISONER DETENTION

15 For an additional amount for “Federal Prisoner De-  
16 tention”, for necessary expenses related to United States  
17 prisoners in the custody of the United States Marshals  
18 Service, to be used only as authorized by section 4013 of  
19 title 18, United States Code, \$155,000,000, to remain  
20 available until expended: *Provided*, That such amount is  
21 designated by the Congress as being for an emergency re-  
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
23 anced Budget and Emergency Deficit Control Act of 1985.

1

## TITLE II

2

## DEPARTMENT OF DEFENSE

3

## OPERATION AND MAINTENANCE

4

## OPERATION AND MAINTENANCE, ARMY

5

For an additional amount for “Operation and Maintenance, Army”, \$92,800,000, for necessary expenses to respond to the significant rise in unaccompanied minors and family unit aliens at the southwest border and related activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

13

## OPERATION AND MAINTENANCE, MARINE CORPS

14

For an additional amount for “Operation and Maintenance, Marine Corps”, \$13,025,000, for necessary expenses to respond to the significant rise in unaccompanied minors and family unit aliens at the southwest border and related activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

22

## OPERATION AND MAINTENANCE, AIR FORCE

23

For an additional amount for “Operation and Maintenance, Air Force”, \$18,000,000, for necessary expenses to respond to the significant rise in unaccompanied minors

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25

1 and family unit aliens at the southwest border and related  
2 activities: *Provided*, That such amount is designated by  
3 the Congress as being for an emergency requirement pur-  
4 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
5 and Emergency Deficit Control Act of 1985.

6 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

7 For an additional amount for “Operation and Main-  
8 tenance, Army National Guard”, \$21,024,000, for nec-  
9 essary expenses to respond to the significant rise in unac-  
10 companied minors and family unit aliens at the southwest  
11 border and related activities: *Provided*, That such amount  
12 is designated by the Congress as being for an emergency  
13 requirement pursuant to section 251(b)(2)(A)(i) of the  
14 Balanced Budget and Emergency Deficit Control Act of  
15 1985.

1 TITLE III

2 DEPARTMENT OF HOMELAND SECURITY

3 U.S. CUSTOMS AND BORDER PROTECTION

4 OPERATIONS AND SUPPORT

5 For an additional amount for “Operations and Sup-

6 port” for necessary expenses to respond to the significant

7 rise in aliens at the southwest border and related activi-

8 ties, \$1,015,431,000; of which \$819,950,000 shall be

9 available until September 30, 2020: *Provided*, That of the

10 amounts provided under this heading, \$708,000,000 is for

11 establishing and operating migrant care and processing fa-

12 cilities, \$111,950,000 is for consumables and medical

13 care, \$35,000,000 is for transportation, \$110,481,000 is

14 for temporary duty and overtime costs including reim-

15 bursements, and \$50,000,000 is for mission support data

16 systems and analysis: *Provided further*, That such amount

17 is designated by the Congress as being for an emergency

18 requirement pursuant to section 251(b)(2)(A)(i) of the

19 Balanced Budget and Emergency Deficit Control Act of

20 1985.

21 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

22 For an additional amount for “Procurement, Con-

23 struction, and Improvements” for migrant care and proc-

24 essing facilities, \$85,000,000, to remain available until

25 September 30, 2023: *Provided*, That such amount is des-

1   ignated by the Congress as being for an emergency re-  
2   quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
3   anced Budget and Emergency Deficit Control Act of 1985.

4       U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

5                   OPERATIONS AND SUPPORT

6       For an additional amount for “Operations and Sup-  
7   port” for necessary expenses to respond to the significant  
8   rise in aliens at the southwest border and related activi-  
9   ties, \$208,945,000: *Provided*, That of the amounts pro-  
10   vided under this heading, \$35,943,000 is for transpor-  
11   tation of unaccompanied alien children, \$11,981,000 is for  
12   detainee transportation for medical needs, court pro-  
13   ceedings, or relocation from U.S. Customs and Border  
14   Protection custody, \$20,000,000 is for alternatives to de-  
15   tention, \$45,000,000 is for detainee medical care,  
16   \$69,735,000 is for temporary duty, overtime, and other  
17   on-board personnel costs including reimbursements,  
18   \$5,000,000 is for the Office of Professional Responsibility  
19   for background investigations and facility inspections, and  
20   \$21,286,000 is for Homeland Security Investigations  
21   human trafficking investigations: *Provided further*, That  
22   such amount is designated by the Congress as being for  
23   an emergency requirement pursuant to section  
24   251(b)(2)(A)(i) of the Balanced Budget and Emergency  
25   Deficit Control Act of 1985.

1           FEDERAL EMERGENCY MANAGEMENT AGENCY

2                           FEDERAL ASSISTANCE

3           For an additional amount for “Federal Assistance”,  
4 \$30,000,000, to remain available until September 30,  
5 2020, for the emergency food and shelter program under  
6 title III of the McKinney-Vento Homeless Assistance Act  
7 (42 U.S.C. 11331 et seq.) for the purposes of providing  
8 assistance to aliens released from the custody of the De-  
9 partment of Homeland Security: *Provided*, That notwith-  
10 standing sections 315 and 316(b) of such Act, funds made  
11 available under this section shall be disbursed by the  
12 Emergency Food and Shelter Program National Board  
13 not later than 30 days after the date on which such funds  
14 become available: *Provided further*, That the Emergency  
15 Food and Shelter Program National Board shall distribute  
16 such funds only to jurisdictions or local recipient organiza-  
17 tions serving communities that have experienced a signifi-  
18 cant influx of such aliens: *Provided further*, That such  
19 funds may be used to reimburse such jurisdictions or local  
20 recipient organizations for costs incurred in providing  
21 services to such aliens on or after January 1, 2019: *Pro-*  
22 *vided further*, That such amount is designated by the Con-  
23 gress as being for an emergency requirement pursuant to  
24 section 251(b)(2)(A)(i) of the Balanced Budget and  
25 Emergency Deficit Control Act of 1985.

1           GENERAL PROVISIONS—THIS TITLE

2           SEC. 301. Notwithstanding any other provision of  
3 law, funds made available under each heading in this title  
4 shall only be used for the purposes specifically described  
5 under that heading.

6           SEC. 302. Division A of the Consolidated Appropria-  
7 tions Act, 2019 (Public Law 116–6) is amended by adding  
8 after section 540 the following:

9           “SEC. 541. (a) Section 831 of the Homeland Security  
10 Act of 2002 (6 U.S.C. 391) shall be applied—

11                   “(1) In subsection (a), by substituting ‘Sep-  
12 tember 30, 2019,’ for ‘September 30, 2017,’; and

13                   “(2) In subsection (c)(1), by substituting ‘Sep-  
14 tember 30, 2019,’ for ‘September 30, 2017’.

15           “(b) The Secretary of Homeland Security, under the  
16 authority of section 831 of the Homeland Security Act of  
17 2002 (6 U.S.C. 391(a)), may carry out prototype projects  
18 under section 2371b of title 10, United States Code, and  
19 the Secretary shall perform the functions of the Secretary  
20 of Defense as prescribed.

21           “(c) The Secretary of Homeland Security under sec-  
22 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.  
23 391(d)) may use the definition of nontraditional govern-  
24 ment contractor as defined in section 2371b(e) of title 10,  
25 United States Code.”.



1        SEC. 303. None of the funds provided in this Act  
2 under “U.S. Customs and Border Protection—Operations  
3 and Support” for facilities shall be available until U.S.  
4 Customs and Border Protection establishes policies (via  
5 directive, procedures, guidance, and/or memorandum) and  
6 training programs to ensure that such facilities adhere to  
7 the National Standards on Transport, Escort, Detention,  
8 and Search, published in October of 2015: *Provided*, That  
9 not later than 90 days after the date of enactment of this  
10 Act, U.S. Customs and Border Protection shall provide  
11 a detailed report to the Committees on Appropriations of  
12 the Senate and the House of Representatives, the Com-  
13 mittee on the Judiciary of the Senate, and the House Ju-  
14 diciary Committee regarding the establishment and imple-  
15 mentation of such policies and training programs.

16        SEC. 304. No later than 30 days after the date of  
17 enactment of this Act, the Secretary of Homeland Security  
18 shall provide a report on the number of U.S. Customs and  
19 Border Protection Officers assigned to northern border  
20 land ports of entry and temporarily assigned to the ongo-  
21 ing humanitarian crisis: *Provided*, That the report shall  
22 outline what resources and conditions would allow a return  
23 to northern border staffing levels that are no less than  
24 the number committed in the June 12, 2018 Department  
25 of Homeland Security Northern Border Strategy: *Pro-*

1 *vided further*, That the report shall include the number  
2 of officers temporarily assigned to the southwest border  
3 in response to the ongoing humanitarian crisis, the num-  
4 ber of days the officers will be away from their northern  
5 border assignment, the northern border ports from which  
6 officers are being assigned to the southwest border, and  
7 efforts being made to limit the impact on operations at  
8 each northern border land port of entry where officers  
9 have been temporarily assigned to the southwest border.

10 SEC. 305. None of the funds appropriated or other-  
11 wise made available by this Act or division A of the Con-  
12 solidated Appropriations Act, 2019 (Public Law 116–6)  
13 for the Department of Homeland Security may be used  
14 to relocate to the National Targeting Center the vetting  
15 of Trusted Traveler Program applications and operations  
16 currently carried out at existing locations unless specifi-  
17 cally authorized by a statute enacted after the date of en-  
18 actment of this Act.

19 SEC. 306. The personnel, supplies, or equipment of  
20 any component of the Department of Homeland Security  
21 may be deployed to support activities of the Department  
22 of Homeland Security related to the significant rise in  
23 aliens at the southwest border and related activities, and  
24 for the enforcement of immigration and customs laws, de-  
25 tention and removals of aliens crossing the border unlaw-

- 1 fully, and investigations without reimbursement as jointly
- 2 agreed by the detailing components.

1 TITLE IV  
2 DEPARTMENT OF HEALTH AND HUMAN  
3 SERVICES  
4 ADMINISTRATION FOR CHILDREN AND FAMILIES  
5 REFUGEE AND ENTRANT ASSISTANCE

6 For an additional amount for “Refugee and Entrant  
7 Assistance”, \$2,881,552,000, to be merged with and avail-  
8 able for the same period as funds appropriated in Public  
9 Law 115–245 “for carrying out such sections 414, 501,  
10 462, and 235”, which shall be available for any purpose  
11 funded under such heading in such law: *Provided*, That  
12 if any part of the reprogramming described in the notifica-  
13 tion submitted by the Secretary of Health and Human  
14 Services (the “Secretary”) to the Committees on Appro-  
15 priations of the House of Representatives and the Senate  
16 on May 16, 2019 has been executed, such amounts pro-  
17 vided by this Act as are necessary shall be used to reverse  
18 such reprogramming: *Provided further*, That amounts allo-  
19 cated by the Secretary for costs of leases of property that  
20 include facilities to be used as hard-sided dormitories for  
21 which the Secretary intends to seek State licensure for the  
22 care of unaccompanied alien children, and that are exe-  
23 cuted under authorities transferred to the Director of the  
24 Office of Refugee Resettlement (ORR) under section 462  
25 of the Homeland Security Act of 2002, shall remain avail-

1 able until expended: *Provided further*, That ORR shall no-  
2 tify the Committees on Appropriations of the House of  
3 Representatives and the Senate within 72 hours of con-  
4 ducting a formal assessment of a facility for possible lease  
5 or acquisition and within 7 days of any acquisition or lease  
6 of real property: *Provided further*, That not less than  
7 \$866,000,000 of amounts provided under this heading  
8 shall be used for the provision of care in licensed shelters  
9 and for expanding the supply of shelters for which State  
10 licensure will be sought, of which not less than  
11 \$27,000,000 shall be available for the purposes of adding  
12 shelter beds in State-licensed facilities in response to fund-  
13 ing opportunity HHS-2017-ACF-ORR-ZU-1132, and of  
14 which not less than \$185,000,000 shall be available for  
15 expansion grants to add beds in State-licensed facilities  
16 and open new State-licensed facilities, and for contract  
17 costs to acquire, activate, and operate facilities that will  
18 include small- and medium-scale hard-sided facilities for  
19 which the Secretary intends to seek State licensure in an  
20 effort to phase out the need for shelter beds in unlicensed  
21 facilities: *Provided further*, That not less than  
22 \$100,000,000 of amounts provided under this heading  
23 shall be used for post-release services, child advocates, and  
24 legal services: *Provided further*, That not less than  
25 \$8,000,000 of amounts provided under this heading shall

1 be used for the purposes of hiring additional Federal Field  
2 Specialists and for increasing case management and case  
3 coordination services, with the goal of more expeditiously  
4 placing unaccompanied alien children with sponsors and  
5 reducing the length of stay in ORR custody: *Provided fur-*  
6 *ther*, That not less than \$1,000,000 of amounts provided  
7 under this heading shall be used for the purposes of hiring  
8 project officers and program monitor staff dedicated to  
9 pursuing strategic improvements to the Unaccompanied  
10 Alien Children program and for the development of a dis-  
11 charge rate improvement plan which shall be submitted  
12 to the Committees on Appropriations of the House of Rep-  
13 resentatives and the Senate within 120 days of enactment  
14 of this Act: *Provided further*, That of the amounts pro-  
15 vided under this heading, \$5,000,000 shall be transferred  
16 to “Office of the Secretary—Office of Inspector General”  
17 and shall remain available until expended for oversight of  
18 activities supported with funds appropriated under this  
19 heading: *Provided further*, That such amount is designated  
20 by the Congress as being for an emergency requirement  
21 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
22 et and Emergency Deficit Control Act of 1985.

23           GENERAL PROVISIONS—THIS TITLE

24           SEC. 401. The Secretary of Health and Human Serv-  
25 ices (the “Secretary”) shall prioritize use of community-

1 based residential care (including long-term and transi-  
2 tional foster care and small group homes) and shelter care  
3 other than large-scale institutional shelter facilities to  
4 house unaccompanied alien children in its custody. The  
5 Secretary shall prioritize State-licensed and hard-sided  
6 dormitories.

7       SEC. 402. The Office of Refugee Resettlement shall  
8 ensure that its grantees and, to the greatest extent prac-  
9 ticable, potential sponsors of unaccompanied alien children  
10 are aware of current law regarding the use of information  
11 collected as part of the sponsor suitability determination  
12 process.

13       SEC. 403. (a) None of the funds provided by this or  
14 any prior appropriations Act may be used to reverse  
15 changes in procedures made by operational directives  
16 issued to providers by the Office of Refugee Resettlement  
17 on December 18, 2018, March 23, 2019, and June 10,  
18 2019 regarding the Memorandum of Agreement on Infor-  
19 mation Sharing executed April 13, 2018.

20       (b) Notwithstanding subsection (a), the Secretary  
21 may make changes to such operational directives upon  
22 making a determination that such changes are necessary  
23 to prevent unaccompanied alien children from being placed  
24 in danger, and the Secretary shall provide a written jus-  
25 tification to Congress and the Inspector General of the

1 Department of Health and Human Services in advance of  
2 implementing such changes.

3 (c) Within 15 days of the Secretary's communication  
4 of the justification, the Inspector General of the Depart-  
5 ment of Health and Human Services shall provide an as-  
6 sessment, in writing, to the Secretary and to Committees  
7 on Appropriations of the House of Representatives and the  
8 Senate of whether such changes to operational directives  
9 are necessary to prevent unaccompanied children from  
10 being placed in danger.

11 SEC. 404. None of the funds made available in this  
12 Act under the heading "Department of Health and  
13 Human Services—Administration for Children and Fami-  
14 lies—Refugee and Entrant Assistance" may be obligated  
15 to a grantee or contractor to house unaccompanied alien  
16 children (as such term is defined in section 462(g)(2) of  
17 the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)))  
18 in any facility that is not State-licensed for the care of  
19 unaccompanied alien children, except in the case that the  
20 Secretary determines that housing unaccompanied alien  
21 children in such a facility is necessary on a temporary  
22 basis due to an influx of such children or an emergency,  
23 provided that—

24 (1) the terms of the grant or contract for the  
25 operations of any such facility that remains in oper-



1       ation for more than six consecutive months shall re-  
2       quire compliance with—

3               (A) the same requirements as licensed  
4       placements, as listed in Exhibit 1 of the Flores  
5       Settlement Agreement that the Secretary deter-  
6       mines are applicable to non-State licensed facili-  
7       ties; and

8               (B) staffing ratios of one (1) on-duty  
9       Youth Care Worker for every eight (8) children  
10      or youth during waking hours, one (1) on-duty  
11      Youth Care Worker for every sixteen (16) chil-  
12      dren or youth during sleeping hours, and clini-  
13      cian ratios to children (including mental health  
14      providers) as required in grantee cooperative  
15      agreements;

16              (2) the Secretary may grant a 60-day waiver  
17      for a contractor's or grantee's non-compliance with  
18      paragraph (1) if the Secretary certifies and provides  
19      a report to Congress on the contractor's or grantee's  
20      good-faith efforts and progress towards compliance;

21              (3) not more than four consecutive waivers  
22      under paragraph (2) may be granted to a contractor  
23      or grantee with respect to a specific facility;

24              (4) ORR shall ensure full adherence to the  
25      monitoring requirements set forth in section 5.5 of

1 its Policies and Procedures Guide as of May 15,  
2 2019;

3 (5) for any such unlicensed facility in operation  
4 for more than three consecutive months, ORR shall  
5 conduct a minimum of one comprehensive moni-  
6 toring visit during the first three months of oper-  
7 ation, with quarterly monitoring visits thereafter;  
8 and

9 (6) not later than 60 days after the date of en-  
10 actment of this Act, ORR shall brief the Committees  
11 on Appropriations of the House of Representatives  
12 and the Senate outlining the requirements of ORR  
13 for influx facilities including any requirement listed  
14 in paragraph (1)(A) that the Secretary has deter-  
15 mined are not applicable to non-State licensed facili-  
16 ties.

17 SEC. 405. In addition to the existing Congressional  
18 notification for formal site assessments of potential influx  
19 facilities, the Secretary shall notify the Committees on Ap-  
20 propriations of the House of Representatives and the Sen-  
21 ate at least 15 days before operationalizing an unlicensed  
22 facility, and shall (1) specify whether the facility is hard-  
23 sided or soft-sided, and (2) provide analysis that indicates  
24 that, in the absence of the influx facility, the likely out-  
25 come is that unaccompanied alien children will remain in

1 the custody of the Department of Homeland Security for  
2 longer than 72 hours or that unaccompanied alien children  
3 will be otherwise placed in danger. Within 60 days of  
4 bringing such a facility online, and monthly thereafter, the  
5 Secretary shall provide to the Committees on Appropria-  
6 tions of the House of Representatives and the Senate a  
7 report detailing the total number of children in care at  
8 the facility, the average length of stay and average length  
9 of care of children at the facility, and, for any child that  
10 has been at the facility for more than 60 days, their length  
11 of stay and reason for delay in release.

12 SEC. 406. (a) The Secretary shall ensure that, when  
13 feasible, no unaccompanied alien child is at an unlicensed  
14 facility if the child—

15 (1) is not expected to be placed with a sponsor  
16 within 30 days;

17 (2) is under the age of 13;

18 (3) does not speak English or Spanish as his or  
19 her preferred language;

20 (4) has known special needs, behavioral health  
21 issues, or medical issues that would be better served  
22 at an alternative facility;

23 (5) is a pregnant or parenting teen; or

1           (6) would have a diminution of legal services as  
2           a result of the transfer to such an unlicensed facil-  
3           ity.

4           (b) ORR shall notify a child's attorney of record in  
5           advance of any transfer, where applicable.

6           SEC. 407. None of the funds made available in this  
7           Act may be used to prevent a United States Senator or  
8           Member of the House of Representatives from entering,  
9           for the purpose of conducting oversight, any facility in the  
10          United States used for the purpose of maintaining custody  
11          of, or otherwise housing, unaccompanied alien children (as  
12          defined in section 462(g)(2) of the Homeland Security Act  
13          of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator  
14          or Member has coordinated the oversight visit with the  
15          Office of Refugee Resettlement not less than two business  
16          days in advance to ensure that such visit would not inter-  
17          fere with the operations (including child welfare and child  
18          safety operations) of such facility.

19          SEC. 408. Not later than 14 days after the date of  
20          enactment of this Act, and monthly thereafter, the Sec-  
21          retary shall submit to the Committees on Appropriations  
22          of the House of Representatives and the Senate, and make  
23          publicly available online, a report with respect to children  
24          who were separated from their parents or legal guardians  
25          by the Department of Homeland Security (DHS) (regard-

1 less of whether or not such separation was pursuant to  
2 an option selected by the children, parents, or guardians),  
3 subsequently classified as unaccompanied alien children,  
4 and transferred to the care and custody of ORR during  
5 the previous month. Each report shall contain the fol-  
6 lowing information:

7           (1) the number and ages of children so sepa-  
8 rated subsequent to apprehension at or between  
9 ports of entry, to be reported by sector where sepa-  
10 ration occurred; and

11           (2) the documented cause of separation, as re-  
12 ported by DHS when each child was referred.

13       SEC. 409. Funds made available in this Act under  
14 the heading “Department of Health and Human Serv-  
15 ices—Administration for Children and Families—Refugee  
16 and Entrant Assistance” shall be subject to the authorities  
17 and conditions of section 224 of division A of the Consoli-  
18 dated Appropriations Act, 2019 (Public Law 116–6).

19       SEC. 410. Not later than 30 days after the date of  
20 enactment of this Act, the Secretary shall submit to the  
21 Committees on Appropriations of the House of Represent-  
22 atives and the Senate a detailed spend plan of anticipated  
23 uses of funds made available in this account, including the  
24 following: a list of existing grants and contracts for both  
25 permanent and influx facilities, including their costs, ca-

1    capacity, and timelines; costs for expanding capacity through  
2    the use of community-based residential care placements  
3    (including long-term and transitional foster care and small  
4    group homes) through new or modified grants and con-  
5    tracts; current and planned efforts to expand small-scale  
6    shelters and available foster care placements, including  
7    collaboration with state child welfare providers; influx fa-  
8    cilities being assessed for possible use, costs and services  
9    to be provided for legal services, child advocates, and post  
10   release services; program administration; and the average  
11   number of weekly referrals and discharge rate assumed  
12   in the spend plan: *Provided*, That such plan shall be up-  
13   dated to reflect changes and expenditures and submitted  
14   to the Committees on Appropriations of the House of Rep-  
15   resentatives and the Senate every 60 days until all funds  
16   are expended or expired.

## 1 TITLE V

## 2 GENERAL PROVISIONS—THIS ACT

3 SEC. 501. Each amount appropriated or made avail-  
4 able by this Act is in addition to amounts otherwise appro-  
5 priated for the fiscal year involved.

6 SEC. 502. No part of any appropriation contained in  
7 this Act shall remain available for obligation beyond the  
8 current fiscal year unless expressly so provided herein.

9 SEC. 503. Unless otherwise provided for by this Act,  
10 the additional amounts appropriated by this Act to appro-  
11 priations accounts shall be available under the authorities  
12 and conditions applicable to such appropriations accounts  
13 for fiscal year 2019.

14 SEC. 504. Each amount designated in this Act by the  
15 Congress as being for an emergency requirement pursuant  
16 to section 251(b)(2)(A)(i) of the Balanced Budget and  
17 Emergency Deficit Control Act of 1985 shall be available  
18 (or rescinded or transferred, if applicable) only if the  
19 President subsequently so designates all such amounts  
20 and transmits such designations to the Congress.

21 SEC. 505. Any amount appropriated by this Act, des-  
22 ignated by the Congress as an emergency requirement  
23 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
24 et and Emergency Deficit Control Act of 1985 and subse-  
25 quently so designated by the President, and transferred

1 pursuant to transfer authorities provided by this Act shall  
2 retain such designation.

3 SEC. 506. Not later than 180 days after the date of  
4 the enactment of this Act, the Comptroller General of the  
5 United States shall submit a report to the Committees on  
6 Appropriations of the House of Representatives and the  
7 Senate on the number of asylum officers and immigration  
8 judges, including temporary immigration judges, and the  
9 corresponding number of support staff necessary—

10 (1) to fairly and effectively make credible fear  
11 determinations with respect to individuals within  
12 family units and unaccompanied alien children;

13 (2) to ensure that the credible fear determina-  
14 tion and asylum interview is completed not later  
15 than 20 days after the date on which a family unit  
16 is apprehended; and

17 (3) to fairly and effectively review appeals of  
18 credible fear determinations with respect to individ-  
19 uals within family units and unaccompanied alien  
20 children.

21 In addition, the report shall determine if there is any phys-  
22 ical infrastructure such as hearing or courtroom space  
23 needed to achieve these goals.



1       This Act may be cited as the “Emergency Supple-  
2   mental Appropriations for Humanitarian Assistance and  
3   Security at the Southern Border Act, 2019”.